

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

KENNY GARVER,	:	
	:	
Plaintiff,	:	Case No. 3:09CV0278
	:	
vs.	:	
	:	District Judge Thomas M. Rose
MICHAEL J. ASTRUE,	:	Magistrate Judge Sharon L. Ovington
Commissioner of the Social	:	
Security Administration,	:	
	:	
Defendant.	:	

DECISION AND ENTRY

The Court has conducted a *de novo* review of the Report and Recommendations of United States Magistrate Judge Sharon L. Ovington (Doc. #11), to whom this case originally was referred pursuant to 28 U.S.C. § 636(b), and noting that no objections have been filed thereto and that the time for filing such objections has expired, hereby **ADOPTS** said Report and Recommendations.

IT THEREFORE IS ORDERED THAT:

1. The Report and Recommendations filed on August 5, 2010 (Doc. #11) is ADOPTED in full;

2. The Commissioner's final non-disability finding is VACATED;
3. This matter is REMANDED to the Social Security Administration under Sentence Four of 42 U.S.C. § 405(g) for payment of Supplemental Security Income consistent with the Social Security Act; and
3. The case is TERMINATED on the docket of this Court.

Done and Ordered this Twenty-Fourth Day of August, 2010.

s/Thomas M. Rose

Thomas M. Rose
United States District Judge